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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,865	08/09/2004	Rachelle Bentley	NOR-1162	4864

37172 7590 07/12/2007
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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

NOTIFICATION DATE	DELIVERY MODE
07/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/710,865	BENTLEY ET AL.	
	Examiner	Art Unit	
	Jeff H. Aftergut	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 and 30-34 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 and 20-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7, 20-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen '615 in view of Fleissner '971 for the same reasons as expressed in paragraph 5 of the Office action dated 2-22-07.
3. Claims 8, 9 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Fleissner '988 for the same reasons as expressed in paragraph 6 of the Office action dated 2-22-07.

Election/Restrictions

4. Applicant's election of the specified species in the reply filed on 5-22-07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Response to Arguments

5. Applicant's arguments filed May 22, 2007 have been fully considered but they are not persuasive.

The applicant essentially argues that there is no motivation to utilize the techniques of Fleissner '971 which is through air bonding a nonwoven in the manufacture of carpets, for example, in the bonding of the nonwoven web of Allen

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615 who is producing a nonwoven for an absorbent and incorporated a through air bonding operation or adhesive bonding operation therein and utilized a calendar in the same. The applicant is advised that the reference to Allen '615 clearly suggested that those skilled in the art at the time the invention was made would have included a step of bonding the layers together including for example adhesive bonding or thermobonding (see column 11, lines 37-45). The reference to Allen '615 in and of itself suggested that one skilled in the art incorporate a thermobonding operation to join the layers together or incorporate an adhesive bonding operation to join the layers together. The applicant is advised that the reference to Fleissner '971 is merely describing a suitable thermobonding operation for joining a nonwoven together. There is no reason to believe that one skilled in the art at the time the invention was made would have been led away from looking to the teachings of thermobonding taught in Fleissner '971 as Allen '615 suggested one look to the same. The applicant is advised that while the reference to Allen '615 employed a calendar, there is no reason to eliminate the calendar in the operation of the combination. Rather the reference to Allen '615 is suggesting that one employ adhesive bonding or thermobonding after the calendaring operation in addition to the same in order to join the assembly together. As Fleissner '971 provided clear reasoning as to why one skilled in the art would have performed thermobonding rather than adhesive bonding and additionally provided an efficient and effective way to thermobond, one skilled in the art at the time the invention was made would have been motivated to employ the techniques of Fleissner '971 in the operation of Allen '615.

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The applicant suggested that there was no reasonable expectation of success in such a combination as the reference to Fleissner '971 was related to the manufacture of carpets while the reference to Allen '615 was related to the manufacture of a disposable absorbent article, however the reference to Allen '615 suggested that one look to the reference to Fleissner '971 in the operation. One would have been motivated to look to suitable techniques for thermobonding and/or adhesive bonding of a nonwoven as such was clearly suggested by Allen '615. As the reference to Allen '615 clearly suggested that one skilled in the art would have employed a thermobonding operation in the process to bond the fibrous webs together in line production and the reference to Fleissner '971 suggested a suitable thermobonding operation, it would have been within the purview of the ordinary artisan to employ the specified thermobonding processing suggested by Fleissner '971 as superior to adhesive bonding techniques in the processing of Allen '615.

The applicant argues that there is a hindsight reconstruction of the claimed invention, however the reference to Allen '615 expressly suggested the use of thermobonding in the process and thus it is not seen how one is utilizing "hindsight" when the prior art when viewed as a whole would have clearly suggested the combination. As noted, where there is reasons to make the modification and/or combination, the use of hindsight clearly has not taken place but rather express reasons and/or motives have been provided as to why the suggested combination of teachings would have been employed. Applicant's arguments to the contrary are respectfully traversed.

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The applicant also notes that the reference to Fleissner '988 did not cure the deficiencies of the other references, however the applicant did not expressly refute the teachings of the reference itself. As applicant did not find fault with the teachings found in Fleissner '988, it is deemed that applicant agrees with the Office position held in the last Office action with regard to the teachings found within the reference. Since there are no deficiencies in the combination of Allen '615 with Fleissner '971, it is believed that the rejection with the inclusion of the additional reference to Fleissner '988 should be upheld.

No claims are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
July 6, 2007